

Comments on Digial Broadcast Copy Protection

Members of the Commission,

As a citizen of a democracy, it is our duty to be involved and I thank you for this opportunity to comment upon this matter. Computers have advanced at a rate that I would never have believed. As a teenager, I would bicycle 3 miles to get access to a computer that I shared with dozens of others. Today, I have a PC that has at least a thousand times greater computing power and the ability to connect to millions of other computers via the Internet. This really is the stuff of science fiction - how we use this will be limited only by our imaginations and our laws. You truly have a great power.

My central concern when I read this document is that it focusses almost entirely on the viewpoint of the current industry. For example, on page 15, paragraph 2 all of the 'parts' of transition are listed. The consumers didn't make the list. It is also clear that the 'content producers' are the existing producers. Do not forget that many people have disparage the 'vast wasteland' that is modern television.

There is no consideration of how artists other than the existing content producers will enter into the conversation. With the explosion of computing power and the quality of home recording equipment, we could see an explosion of creative content. If there is no consideration of these players, the results will be skewed towards the interests of the current industry. I would like to know how the protection schemes will affect the interests of other citizens. As a consumer, I suppose that this will allow me to access television with more channels and more resolution. This is valuable, but there are other valuable concerns that ought to be considered.

First, how does this promote fair use? I have the right to record and playback television shows. Whenever a special news or sporting event preempts regular programming, the local station usually broadcasts the preempted show sometime in the middle of the night - with the expectation that viewers can record the program to view at their convenience. This is one simple example.

Second, will this suppress our ability to parody and critique existing works? Digital sampling is widely used in audio technologies, can visual artists also digitally sample the television shows that are sent into their homes?

Artists have great latitude to copy images into their own works. Would the proposed scheme protect this right? Will the aspiring artists even be able to investigate the works that are currently published?

The content producers for television can carefully study how to construct their content to maximize its effectiveness. In an open society, all of us should have a similar ability to research how the content affects us. This can be especially critical for academics, who have been the traditional researchers in our society. Will academics that are critical of the industry be able to dissect the content frame by frame to study every detail of the works?

As I understand the current scheme, it would give the content providers nearly perfect control of their content. This undercuts any notion of fair use. It also seems to undercut the notion of general purpose computer. As Nicholas Negroponte has noted, the term multimedia should perhaps be replaced by unimedia. Your regulations will have to affect what has formerly been the general

purpose computer. It all comes down to long lists of ones and zeros. If you are going to control how my computer deals with files, you had better consider these issues. I find it almost impossible to believe that this Commision is not getting invovled with issues that go far beyond its mandate.

Please reconsidser your support for this technology and find a combination of social and technical solutions that don't sacrifice personal liberties to the interests of an industry that will be outdated within a decade.

As a side note, I would like to urge the Commision to expand its list of acceptable formats. On my prefered computing platform, it is easier to produce OpenOffice documents rather than Microsoft Word formsts. After all, the Microsoft Word format is a proprietary trade secret. The Open Office formsts are published and open. If the Commision wishes to convert all dcuments to common format for the convenience of the Commisioners that must review this work, I would be happy to suggest tools to accomplish this goal.